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ABSTRACT

This guide deals with five areas of interest to bilingual education in California: (1) state mandates that were enacted in response to the Lau v. Nichols Supreme Court decision of 1974: (2) instructional and support services requirements in language development, reading, mathematics, multicultural education, and staff development: (3) other program-related issues, that is, funding, staffing, classroom composition, parental notification, and the establishment of a school advisory committee: (4) three options available to schools in developing their consolidated program plan: and (5) guidelines for a bilingual individual learning program. A list of selected references completes the guide. (AMH)

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Bilingual Education Services Guide

Developing School Site Programs: Specifications for Limited- and Non-English-Speaking Students

Prepared under the direction of the
Office of Bilingual Bicultural Education
CALIFORNIA STATE DEPARTMENT OF EDUCATION

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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PREFACE

The Bilingual Education Services Guide is designed to assist district and school-level personnel in providing bilingual education services to limited- and non-English-speaking (LES/NES) students. This guide is part of the State Department of Education's technical assistance effort aimed at the development of school-level programs. Furthermore, this guide is to be used as a supplement to three other State Department of Education publications: the Full School Plan Reviewers' Manual, the Manual of Requirements for Schools Funded Through the Consolidated Application, and the Planning Handbook. Provided here are additional information and clarification of bilingual education issues.

Most of the required content of school-site programs as contained in this guide is a restatement of the last two years' instructions for bilingual programs. Therefore, persons working in continuing programs will find that only limited modifications will be necessary for the development of current school programs. Any questions regarding the information provided in this guide should be directed to the Office of Bilingual Bicultural Education, (916) 445-2872; or to District Support Services, (916) 322-3064.

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PART I

STATE MANDATES

The California Legislature's response to the Lau v. Nichols Supreme Court decision of 1974 was to enact the Chacon-Moscone Bilingual-Bicultural Education Act of 1976 (AB 1329/76). This Act established the basic framework for providing bilingual instructional services to limited- and non-English-speaking (LES/NES) students in California public schools.

Additionally, several pieces of legislation have amended Assembly Bill 1329, most dealing with matters related to the census and teacher waivers. The program requirements of the state bilingual education law have remained essentially the same. This guide deals mainly with how the bilingual program requirements are to be operational at the school level.

The Bilingual-Bicultural Education Act provides the first legal basis for mandatory bilingual education programs in California for each LES/NES student regardless of his or her primary language or the funding available to the student's school.

Unique among the features of the law is that bilingual program requirements are not linked to the receipt of funds. Under Assembly Bill 1329 all schools are required to:

1. Participate in the annual state language census (Education Code Section 52164).

2. Assess achievement in basic skills of identified LES/NES students annually (Education Code Section 52171).

3. Provide, at a minimum, a bilingual individual learning program for each identified LES/NES student (Education Code Section 52165; California Administrative Code, Title 5, Education, Section 4303[b]).

4. Establish a school committee on bilingual education when 21 or more LES/NES students are enrolled in a school and a district committee on bilingual education when 51 or more LES/NES students are enrolled in a district (Education Code Section 52176).

In addition, the Education Code states that in kindergarten through grade six, schools must:

1. Offer, at grade levels in which there are ten or more LES/NES students with the same primary language, programs of partial bilingual instruction, full bilingual instruction, or bilingual-bicultural education (Section 52165).

2. Employ bilingual-crosscultural teachers as the principal teachers for LES/NES students in programs of partial bilingual instruction, full bilingual instruction, or bilingual-bicultural education except when excused by a waiver (Section 52166).

3. Notify parents, prior to enrollment, of their children's eligibility to participate in programs of partial bilingual instruction, full bilingual instruction, or bilingual-bicultural education and of the parents' right to enroll or not to enroll their children in such programs (Section 52173).

PART II

INSTRUCTIONAL AND SUPPORT SERVICES REQUIREMENTS

For schools required to implement programs of partial bilingual instruction, full bilingual instruction, or bilingual-bicultural education, the following requirements apply:

A. LANGUAGE DEVELOPMENT

1. For LES/NES students, assessment and instructional activities for primary language development (Education Code Section 52163[a], [b], [c]; California Administrative Code, Title 5, Education, sections 4305, 4306)

2. For LES/NES students, assessment and instructional activities for English development (Education Code Section 52163[a], [b], [c]; California Administrative Code, Title 5, Education, sections 4301[a], [b], 4305, 4306)

3. For fluent-English-speaking (FES) students, instructional activities in the language other than English; e.g., Spanish, Portuguese, Korean, and so on (California Administrative Code, Title 5, Education, Section 4306)

Clarifications:

- English language development for LES/NES students should be provided through a recognized second language teaching approach. Both formal and informal second language learning opportunities should be provided on a daily basis.

- The term language includes comprehending, speaking, and writing.

- The second language instruction offered to FES students is to be the primary language of the LES/NES students in the participating classrooms.

- Although second language instruction must be offered to FES students in the bilingual program, actual participation is voluntary on the part of individual students.

B. READING

1. For LES/NES students, assessment and instructional activities for pre-reading and reading instruction in the primary language (Education Code Section 52163[a], [b], [c]; and California Administrative Code, Title 5, Education, sections 4305, 4306)

2. For LES/NES students, assessment and instructional activities for reading development in English (Education Code Section 52176[a], [b], [c]; and California Administrative Code, Title 5, Education, sections 4301[a],[b], 4305, 4306)

Clarifications:

- To meet the intent of the instructional program requirements in reading, the school should adopt and use criteria for the introduction of English language reading to LES students. Specifications should include at least

the minimum level of oral English language proficiency as well as the minimum level of reading proficiency in the primary language. Proficiency must be achieved before the LES students are introduced to reading English.

- Reading instruction provided to LES/NES students should be the approach used in teaching English as a second language. Once again, the school should not confuse remedial reading programs or reading programs for native speakers of English with the reading program for LES students.

C. MATHEMATICS

For all students in participating bilingual classrooms, assessment and instruction in mathematical skills are required. In such activities the primary language of the LES/NES students must be used as a medium of instruction in multicultural education (Education Code Section 52163[a], [b], [c]).

D. MULTICULTURAL EDUCATION

1. For all students in participating bilingual classrooms, activities for multicultural education instruction are required. In such activities the primary language of the LES/NES students must be used as a medium of instruction in multicultural education (Education Code Section 52163 [a], [b], [c]).

2. Multicultural education activities must include lessons and experiences which focus on the history and culture of the LES/NES students (Education Code Section 52165[a], [b], [c]).

Clarification:

- Lessons and experiences related to the culture of LES/NES students should be integrated into the daily structure of the participating bilingual classrooms.

Special Note:

Clearly, the intent of the Education Code and the California Administrative Code, Title 5, Education, is that each LES/NES student receive content area instruction (e.g., in mathematics and multicultural education) in the language in which he or she is more proficient--English or the primary language. In the case of an LES student who is definitely more proficient in English than in his or her primary language, instruction in certain content areas might be given in English.

E. STAFF DEVELOPMENT

Training must be provided for teachers and aides participating in the bilingual program. Such training must include activities which identify and improve bilingual teaching methodologies and crosscultural education skills (Education Code Section 52170[b]).

Clarifications:

- Bilingual teaching methodologies and crosscultural skills include but are not limited to the following topic areas:

  1. Cultural heritage of the LES/NES students
  2. Primary language acquisition
  3. Second language acquisition
  4. Literacy instruction in the primary language
  5. Basic intent and content of a bilingual education program
  6. Language proficiency assessment procedures
  7. Language development for teachers and aides

- For training sessions to be of maximum value, some sessions should be conducted in the primary language of the LES/NES students whenever appropriate.

PART III

OTHER PROGRAM-RELATED ISSUES

Although not part of the requirements for instructional and support services, the following specifications apply to all schools required to implement programs of partial bilingual instruction, full bilingual instruction, bilingual-bicultural education, or individual learning:

A. FUNDING

Funds from several sources can be used to support bilingual education services: ESEA, Title I; the school improvement program; ESEA, Title VII; economic impact aid; migrant education; and so on. Beginning with the 1979-80 school year, the receipt of categorical funds and the program requirements for bilingual education services are no longer linked. That is, a school is required to provide programs of partial bilingual instruction, full bilingual instruction, bilingual-bicultural education, or individual learning on the basis of concentrations of LES/NES students enrolled in the school, not on the basis of receipt of special program funds (California Administrative Code, Title 5, Education, Section 4303 [a]).

B. STAFFING

To meet the staffing requirements in schools required to implement programs of partial bilingual instruction, full bilingual instruction, or bilingual-bicultural education, the principal teacher (who is defined in regulations as the teacher to whom the LES/NES student is assigned or a teacher member of a team-teaching system) of LES/NES students must be a bilingual-crosscultural education teacher unless the position is under waiver (Education Code Section 52166). Instructions on waivers can be found in the August 29, 1979, letter from Charlie M. Knight, Associate Superintendent for Elementary Education, California State Department of Education, to superintendents of school districts and county superintendents of schools.

C. CLASSROOM COMPOSITION

To meet the requirements for classroom composition in programs of partial bilingual instruction, full bilingual instruction, or bilingual-bicultural education, not more than two-thirds (66 percent) of the students may be LES/NES. When, however, the proportion of LES/NES students in the school exceeds two-thirds of the total school enrollment, the proportion of LES/NES students may exceed two-thirds but not by more than 10 percent of the total percentage of such students at the school (Education Code Section 52167). When enrolled in programs of partial bilingual instruction, full bilingual instruction, or bilingual-bicultural education in kindergarten through grade six, the LES/NES students in a particular class shall be of the same primary language (California Administrative Code, Title 5, Education Section 4306).

Special Note:

If a school should select a team-teaching approach (or pod or loft approach, and so on), the number of LES/NES students assigned to a bilingual-crosscultural teacher should never exceed the number of FES students assigned to a regular teacher in the same teaching situation. For example, if a school were to develop a bilingual pod with four teachers and 120 students, then for every 30 LES/NES students at least one bilingual-crosscultural teacher would be required. At the same time not more than 66 percent of the students in the pod are to be LES/NES students.

D. PARENTAL NOTIFICATION

Before a student is enrolled in programs of partial bilingual instruction, full bilingual instruction, or bilingual-bicultural education, written notification in English and in the primary language is to be sent to the parent or guardian of the student. The notification shall state that, unless the school is requested in writing by the parent or guardian to withdraw the student from the program, the student will remain enrolled. In addition, this written notification to parent or guardian must include (a) a description of the program's content and purposes; (b) an invitation to visit the program; (c) a statement that the parent has an opportunity to participate in the district or school committee on bilingual education; and (d) an invitation to come to the school for a conference concerning the program's objectives (Education Code Section 52173). In the case of FES students, the parents or guardians may, in writing, decline their child's opportunity to participate in bilingual education program instruction (California Administrative Code, Title 5, Education, Section 4307 [e]).

Special Note:

Parents or guardians of LES/NES students may exercise the withdrawal option at the time of required enrollment or at the close of any semester thereafter (Education Code Section 52174). In instances in which a LES/NES student is withdrawn from a program of partial bilingual instruction, full bilingual instruction, or bilingual-bicultural education, a bilingual individual learning program must be developed and provided for such a student (California Administrative Code, Title 5, Education, Section 4307 [c], [d]).

E. SCHOOL ADVISORY COMMITTEE

To meet the school advisory committee requirements when 21 or more LES/NES students of any primary language are enrolled in a school, a school advisory committee on bilingual education must be established. The percentage of parents of LES/NES students on the committee shall be at least the same percentage of LES/NES students in the school.

The school advisory committee is responsible for advising the principal and the staff on numerous matters, including (1) the school-level master plan for bilingual education; (2) the development of the school needs assessment; and (3) the conduct of the language census (Education Code Section 52176).

School districts shall, in consultation with participants, provide all advisory committee members with appropriate training materials and training which will assist them in carrying out their duties (California Administrative Code, Title 5, Education, Section 4311 [d]).

Special Note:

A school may form a subcommittee of the school site council to act as the committee on bilingual education (Education Code Section 52176). If the school does so, procedures should be specified as to how the subcommittee will make recommendations regarding bilingual education services. Because parents of LES/NES students will have membership on the committee(s), the school should make provision for conducting the business of the committee(s) in both English and the language of LES/NES participants in the school community.

PART IV

OPTIONS FOR CONSOLIDATED PLAN AND PROGRAM DEVELOPMENT

Schools have three options in developing their consolidated program plan. These options are a complete or updated:

1. Component development option
2. Integrated program option
3. U-Do-It option

For schools required to implement programs of partial bilingual instruction, full bilingual instruction, or bilingual-bicultural education, any of the three options may be chosen. Note, however, that, regardless of the options selected, the plan must display all of the requirements listed in Part II of this guide and those in the Manual of Requirements. Even in the integrated program option and the U-Do-It option, all of the program provisions of partial bilingual instruction, full bilingual instruction, or bilingual-bicultural education still apply.

Questions regarding the format of an option should be directed to the State Department of Education's Consolidated Programs Division, and questions regarding bilingual program requirements are to be addressed to the Department's Office of Bilingual Bicultural Education.

The minimum requirements for programs of partial bilingual instruction, full bilingual instruction, or bilingual-bicultural education (both for plan development and program implementation) are the same. At this time the State Department of Education does not distinguish among the three program types for compliance but looks upon them as degrees of quality in which the extent of bilingual services varies. The bases for program compliance remain the same. (See the April 20, 1977, letter from William E. Webster, former Deputy Superintendent of Public Instruction, to superintendents of school districts and county superintendents of schools.)

PART V

BILINGUAL INDIVIDUAL LEARNING PROGRAM

School districts are to document that, for each LES/NES student not participating in a program of partial bilingual instruction, full bilingual instruction, or bilingual-bicultural education, a bilingual individual learning program is provided (Education Code Section 52165 [b]). A bilingual individual learning program must:

1. Be a program of instruction for LES pupils in which instruction is offered in a manner consistent with the U.S. Supreme Court decision in Lau v. Nichols (414 US 563); the Equal Education Opportunities Act of 1974 (20 USC Sec. 1701 et seq.); and federal regulations promulgated pursuant to such court decisions and federal statutes (Education Code Section 52163 [f]).

2. Be provided on the basis of an individual student evaluation and in consultation with the student and parent or guardian (California Administrative Code, Title 5, Education, sections 4305, 4307 [d]).

3. Be constructed partially on the basis of assessment of pupil skills in language, reading, mathematics, and other basic skills in English and primary language to the extent assessment instruments are available (California Administrative Code, Title 5, Education, Section 4305).

4. Contain activities which teach the student English (California Administrative Code, Title 5, Education, Section 4301 [b]).

5. Contain activities which utilize the student's primary language in an educationally supportive manner (California Administrative Code, Title 5, Education, Section 4301 [b]).

6. Provide a bilingual learning opportunity through the use of a bilingual-crosscultural teacher or a bilingual-crosscultural teacher aide or both (Education Code Section 52166).

Clarifications:

- Schools may select from several native language approaches or direct-method (ESL) curricular approaches or both to provide services to LES/NES students in individual learning programs. The curriculum should be selected for individual students based on (1) relative language proficiency in English and the primary language; (2) home language usage; (3) past educational experiences; (4) parent consultation; and (5) teacher observation.

- Regardless of the curricular approach selected, a variety of organizational strategies are available to deliver any one of the curricular offerings mentioned above. Strategies such as

combination classrooms, team teaching, magnet classrooms, instructional centers, magnet schools, or alternative schools may be used depending on (1) the concentrations of LES/NES students in a particular school or in the district; and (2) material and personnel resources available.

The State Department of Education is developing a document entitled "Individual Learning Programs for LES/NES Students: A Handbook for School District Personnel."

SELECTED REFERENCES

"Bilingual Education Program Quality Review Instrument: K--6"

Developed mainly for ESEA, Title VII, programs, this instrument presents a set of quality standards for bilingual education programs at the elementary school level. The instrument is accompanied by a background statement which (1) describes how the instrument was developed; (2) lists the major assumptions behind the standards; (3) provides an explanation of current research and theory which support the standards; and (4) provides a bibliography. The instrument is also available in Spanish.

"Federal and State Legal Bases for Bilingual Education " (January, 1979)

This analysis of federal and state legal mandates for bilingual education services is divided into three parts. The first part summarizes recent federal statutes, directives, and case law supporting the development of appropriate educational programs for students who have a primary language other than English (i.e., national origin minority students). The second part summarizes California's bilingual education requirements since the enactment of the Chacon-Moscone Bilingual-Bicultural Education Act of 1976 (AB 1329). The final part is a comparison between California's bilingual education law and the "Lau guidelines," a significant set of federal requirements for national origin minority students.

"Individual Learning Programs for LES/NES Students: A Handbook for School District Personnel"

This handbook is a technical assistance guide for the development and delivery of individual learning programs for LES/NES students. This guide covers kindergarten through grade twelve and focuses on curricular options and organizational strategies.

"Secondary Bilingual Education Program Review Instrument, 1979-80"

Used to review secondary schools operating bilingual education programs funded by ESEA, Title VII, this instrument is essentially a data collection device used by the State Department of Education to identify current bilingual program practices at the secondary level.

Copies of the documents listed on this page and information concerning the documents may be obtained from the Office of Bilingual Bicultural Education, California State Department of Education, 721 Capitol Mall, Sacramento, CA 95814 (telephone 916-445-2872).

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Bilingual Education Services Guide is one of approximately 450 publications that are available from the California State Department of Education. Some of the more recent publications or those most widely used are the following:

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An Assessment of the Writing Performance of California High School Seniors (1977)	2.75
Bicycle Rules of the Road in California (1977)	1.50
California Guide to Parent Participation in Driver Education (1978)	3.15
California Master Plan for Special Education (1974)	1.00†
California Private School Directory, 1979	5.00
California Public School Directory, 1980	11.00
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California School Energy Concepts (1978)	.85
California School Lighting Design and Evaluation (1978)	.85
California Schools Beyond Serrano (1979)	.85
Child Care and Development Services: Report of the Commission to Formulate a State Plan (1978)	2.50
Computers for Learning (1977)	1.25
Directory of Private Postsecondary Institutions in California (1978)	1.50
Discussion Guide for the California School Improvement Program (1978)	1.50*†
District Master Plan for School Improvement (1979)	1.50*
English Language Framework for California Public Schools (1976)	1.50
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Guidance Services in Adult Education (1979)	2.25
Guide for Multicultural Education: Content and Context (1977)	1.25
Guide for Ongoing Planning (1977)	1.10
Handbook for Assessing an Elementary School Program (1980)	1.50*
Handbook for Assessing a Secondary School Program (1979)	1.50*
Handbook for Instruction on Aging (1978)	1.75
Handbook for Planning an Effective Reading Program (1979)	1.50*
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Report of the Ad Hoc Committee on Integrated Educational Programs (1978)	2.60
Science Framework for California Public Schools (1978)	1.65
Site Management (1977)	1.50
Social Sciences Education Framework for California Public Schools (1975)	1.10
State Guidelines for School Athletic Programs (1978)	2.20
Student Achievement in California Schools (1979)	1.25
Students' Rights and Responsibilities Handbook (1978)	1.50†
Teaching About Sexually Transmitted Diseases (1979)	1.65
A Unified Approach to Occupational Education: Report of the Commission on Vocational Education (1979)	2.00

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†Also available in Spanish, at the price indicated.
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